

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on December 15, 2005, and the references cited therewith.

Independent claim 23 was amended to correct minor informalities. Claims 8-12, 14, 15, 23-17, and 29-31 are pending in this application.

Claim Rejection – 35 U.S.C. 103

Claims 8, 11, 14, 15, 23, 26, 29 and 30 were rejected under 35 USC § 103(a) as being unpatentable over "Proposal for an MGCP Advanced Audio Package" RFC 2897 (XP-002212513) by Cromwell ("Cromwell") in view of U.S. Patent No. 6,049,765 to Iyengar, et al. ("Iyengar"). Claims 9, 10, 24 and 25 were rejected under 35 USC § 103(a) as being unpatentable over "Proposal for an MGCP Advanced Audio Package" RFC 2897 (XP-002212513) by Cromwell, ("Cromwell") in view of Iyengar and further in view of U.S. Patent No. 6,295,342 to Kaminsky et al. ("Kaminsky"). Applicant respectfully traverses these rejections.

Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness. In particular, the combination of references fails to teach or suggest all of the claimed elements and limitations because the Office Action has mischaracterized Cromwell. Moreover, the Office Action fails to provide adequate motivation to combine Iyengar with Cromwell.

Independent claim 8 recites a record audio module including an audio record process operable to request a decomposed media gateway to record an audio stream. Similarly, independent claim 23 recites a method of recording an audio stream by using a record audio module to request decomposed media gateway to record an audio stream.

None of the references, even when combined, teach or suggest "a resultant media recording is analyzed as to a reason it terminated," as recited in independent claim 8, or "analyzing a resultant recording as to a reason it terminated," as recited in independent claim 23. According to the present specification, recordings can stop for many reasons including, for example, because a predetermined recording period expired, because of speech inactivity, or because the recording was interrupted by another event (see ¶0116 of the application

publication). In addition to a record completion event, a parameter may be used to indicate a termination method or reason with possible parameter values such as "TO", indicating the recording terminated due to a timer expiration, "EV", indicating an interrupted by an event, "SD", which indicates that the signal was halted by new signals descriptor, "NC", which indicates that the signal was ended as a result of some other cause, and "ST", which indicates a silence termination (see ¶0132 of the application publication).

To meet the claimed element of analyzing a resultant media recording as to a reason it terminated, the Office Action asserts that "Cromwell teaches detecting an 'operation complete' signal upon successful completion of the 'playrecord' command." In the event package described by Cromwell, however, "OperationComplete" is merely an event that is detected upon the successful completion of a PlayRecord signal. The "OperationComplete" event only indicates that the recording has terminated and does not indicate, or include any parameters that indicate, the reasons the recording terminated. Nothing in Cromwell, or the other references, teach or suggest analyzing a resultant media recording as to a reason it terminated in the context of requesting a decomposed media gateway to record an audio stream. For this reason, applicant submits that the references, even when combined, fail to teach or suggest all of the claimed elements and limitations.

None of the references, even when combined, teach or suggest "an audio stream container offset parameter," as recited in independent claim 8, or "specifying a location in the audio stream container that was being recorded when the recording was terminated," as recited in amended independent claim 23. One benefit of "an audio stream container offset parameter" or "specifying a location in the audio stream container" is that the current location within the audio stream container may be maintained when a pause signal transitions a record signal to the paused state halting capture of the incoming media audio stream (see ¶¶0123 and 0139 of the application publication).

To meet the element of "an audio stream container offset parameter" or "specifying a location in the audio stream container," the Office Action states "Cromwell discloses a Return Parameter in the form of an 'Amount Played' value." The "AmountPlayed" return parameter, however, only specifies "The length played of an initial prompt if the prompt was interrupted, in 100 ms units." As disclosed in Cromwell, the PlayRecord event "[p]lays a prompt and records

user speech” and thus involves both a play function and a record function. The “AmountPlayed” return parameter only relates to the play function and does not specify the length of the recording of user speech. Moreover, length of an audio stream (whether being played or recorded) is not the same as a location in an audio stream container. Nothing in Cromwell, or the other references, teach or suggest “an audio stream container offset parameter” or “specifying a location in the audio stream container” in the context of requesting a decomposed media gateway to record an audio stream. For this reason, applicant submits that the references, even when combined, fail to teach or suggest all of the claimed elements and limitations.

With respect to the “pause compression process...to eliminate periods of speech inactivity from a recording” recited in independent claims 8 and 23, applicant submits that one of ordinary skill in the art would not be motivated to combine the teaching of Iyengar with Cromwell to arrive at the claimed invention. Iyengar teaches a silence compression system that improves data compression in a digital speech storage device, such as a digital telephone answering machine, by analyzing and compressing or re-compressing digital speech samples stored previously (see Abstract). In fact, the sections of Iyengar referenced by the Office Action (col. 1, lines 41-67) actually teach away from the use of data compression of voice messages in real time or on-the-fly because of the processing capability that is required. Thus, one of ordinary skill in the art would not be motivated to use the silence compression technique of Iyengar with a record audio process in which a media recording is altered based on at least one signal traveling between the record audio module and the decomposed media gateway, as recited in independent claims 8 and 23.

Because the combination of references fails to teach or suggest all of the claimed elements and limitations and there is no motivation to combine the teachings of Cromwell and Iyengar, applicant submits that independent claims 8 and 23 would not have been obvious. Accordingly, applicant requests that the rejection under 35 U.S.C. 103 be withdrawn.

Claims 9-12, 14, 15, 24-27 and 29-31 depend from independent claims 8 and 23, respectively. Applicant respectfully submits that dependent claims 9-12, 14, 15, 24-27 and 29-31 are also allowable by virtue of their dependency from claims 8 and 23, respectively, in addition to their own further limitations.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (603-668-6560) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-2121.

Respectfully submitted,

PAUL RUPSIS

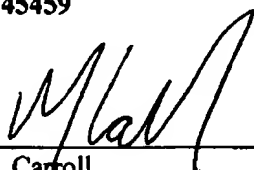
By his Representatives,

Customer No. 45459

603-668-6560

Date 5-15-06

By


Kevin J. Carroll
Reg. No. 36,384

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of May, 2006.

Kyrstyn Ryan
Name

Kyrstyn Ryan
Signature